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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,960	12/22/2003	Anthony J. Lamela	15211	9369

37414 7590 06/07/2004

CASE NEW HOLLAND INC.
CNH - IP LAW DEPARTMENT
BOX 1895 MS 641
NEW HOLLAND, PA 17557

EXAMINER

YEAGLEY, DANIEL S

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/743,960

Applicant(s)

LAMELA ET AL.

Examiner

Daniel Yeagley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/22/03.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mather et al '757 in view of Price '110 in further view of Thibodeau '321.

Mather discloses a skid steer work type vehicle comprising an engine (power source 81) supported on a chassis 24 composed of generally vertical and longitudinal extending side walls 72 having a plurality of hydraulic pumps coupled to and driven by the engine which includes a left side and a right side variable displacement drive pump 85a, 85b coupled to at least one left side hydraulic drive motor 88 and at least one right side hydraulic drive motor 89 (column 3-4), wherein the left and right side drive motors are drivingly coupled the two wheels of the left side

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and the two wheels of the right side of the vehicle wheel suspensions as broadly claimed (figure 4), wherein the skid steer vehicle of Mather shows four wheel suspensions that extend laterally away from the vehicle and further includes first and second chain links 77 coupled to each drive motor and the front and rear wheels of the left and right side (figure 4-5), but failed to disclose one of the plurality of hydraulic pumps being a steering pump and lacked the four vehicle wheel suspensions having a control arm pivotally coupled to the chassis to pivot the wheel suspension about a longitudinally extending axis, a spring for supporting the vehicle, and a strut coupled to the control arm, with the wheel coupled to the strut as claimed.

Price discloses a work vehicle having one or more steerable wheels (column 3) with an engine supported on a chassis composed of generally vertical and longitudinal extending side walls (figure 1-4) having a first and second chain linked driven left and right side wheels that are suspended by four vehicle wheel suspensions that extend laterally away from the vehicle to the right and left side adjacent to the side walls, that shows the prior art feature of a control arm 102 pivotally coupled to the chassis about horizontal axes at two points disposed inherently forward and rearward the strut (figure 1 and 3) which pivots with respect to the chassis about a longitudinally extending axis with the strut coupled to the control arm and a spring 94 for supporting the vehicle (figure 4-5) as broadly claimed but failed to disclose a hydraulic steering pump.

Thibodeau '321 also discloses a work type vehicle having chain linked driven left and right side wheels that shows the steerable left and right front and rear wheels (figure 18) incorporating a hydraulic steering pump 263 having steering actuators 236 and a hydraulic valve 237 in communication with the steering pump and the actuators (figure 25) for hydraulically steering the left and the right side wheels simultaneously being configured to steer the front wheels to the right while the rear wheels are steered to the left (figure 18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the prior art of the chain driven work vehicles and modified the four wheel chain driven skid steer work vehicle of Mather hydraulic pump driven chain drive assembly with a combination of known features such as an additional hydraulic pump for steering the hydraulic driven vehicle of Mather by means of a hydraulic steering assembly such as suggested by Thibodeau in order to provide an obvious steering means for controlling and maneuvering the vehicle which is well known in the vehicle art and further would have been obvious to one of ordinary skill in the art to have further modified the wheel suspensions of Mather hydraulically driven vehicle with independently suspended drive wheels for optimal performance and terrain versatility as suggested by Price to further enhance the versatility of the vehicle as taught by Price.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Thibodeau '051 discloses a four wheel driven independently suspended work vehicle,

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Ohno et al '940 shows a four wheel steered vehicle having four independent suspensions.

Gray '744 discloses a pair of variable displacement pumps for hydraulically driving and steering a vehicle.

Wittke '627 shows a four wheel steered vehicle.

Schmitz et al '984 and Youmans '049 show a independently suspended hydraulically driven wheel assembly.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Yeagley whose telephone number is 703-305-0838. The examiner can normally be reached on Mon. - Fri; first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



D.Y.

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